

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**William P Faight
Claudine Faight**
Debtor(s)

Bankruptcy Case No.: 18-70254-JAD
Issued Per May 18, 2018 Proceeding
Chapter: 13
Docket No.: 24 - 2
Concil. Conf.: October 11, 2018 at 11:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated April 5, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2,223 as of June 2018. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Oct. 11, 2018 at 11:30 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: First National Bank of PA at Claim No. 3 .
- ☒ H. Additional Terms: The secured claim of Citizens Bank at Claim No. 2 shall govern as to claim amount, to be paid at the modified plan terms.
Only counsel for a Johnstown Debtor(s) in the Johnstown area may participate in plan conciliation conferences by telephone. Counsel for the Debtor outside of the Johnstown area may appear telephonically, ONLY IF Counsel for the Debtor is responsible for originating the telephone call to the Chapter 13 Trustee's meeting room, by calling, 412-258-3557 at the time designated for the conciliation conference. If applicable as stated above, any party filing an

objection to the plan must make arrangements with counsel for the Debtor to be included in the call, utilizing a third-party conference call service if necessary. The call shall not be placed to the Trustee's meeting room until AFTER all parties have been connected to the call. Only the parties who file and serve timely objections will be included in the telephonic hearing.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: May 24, 2018

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 5 of 6
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 William P Faight
 Claudine Faight
 Debtors

Case No. 18-70254-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: jhel
 Form ID: 149

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 Total Noticed: 45

Date Rcvd: May 24, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 26, 2018.

db/jdb
 14805756 +William P Faight, Claudine Faight, 1024 Goucher Street, Johnstown, PA 15905-2945
 14805757 +Aes/bela-us Bank, Po Box 61047, Harrisburg, PA 17106-1047
 14805758 +Barclays Bank Delaware, Po Box 8803, Wilmington, DE 19899-8803
 14805759 +Capl/marcs, Po Box 30258, Salt Lake City, UT 84130-0258
 14805761 +Capital One, Po Box 30281, Salt Lake City, UT 84130-0281
 14805762 +Citi Cards, P.O. Box 6500, Sioux Falls, SD 57117-6500
 14813922 +Citibank, N.A., 1800 Tapo Canyon Road, Mail Stop #SV-103, Simi Valley, CA 93063-6712
 14805763 +Citizens Bank N.A., 1 Citizens Drive Mailstop ROP15B, Riverside, RI 02915-3019
 14805764 +Citizens Bank Na, 480 Jefferson Blvd, Warwick, RI 02886-1359
 14805765 +Comenity Bank, P.O. Box 183003, Columbus, OH 43218-3003
 14805766 +Comenity-Gander MasterCard, P.O. Box 659569, San Antonio, TX 78265-9569
 14805767 +Comenitybank/victoria, Po Box 182789, Columbus, OH 43218-2789
 14805768 +Comenitycb/boscov, Po Box 182120, Columbus, OH 43218-2120
 14805769 +Commerce Bank, P.O. Box 801042, Kansas City, MO 64180-1042
 14805770 +Conemaugh Memorial Medical Center, Attn: Patient Accounting, 1086 Franklin Street, Johnstown, PA 15905-4305
 14818193 DLP, Conemaugh Phys Group, 1086 Franklin Street, Johnstown, PA 15905-4305
 14805771 +First National Bank of Pennsylvania, 4140 E. State Street, Hermitage, PA 16148-3401
 14805772 +First Natl Bk Of Pa, 4140 E State St, Hermitage, PA 16148-3401
 14805773 +First Source, LLC, 205 Bryant Woods South, Buffalo, NY 14228-3609
 14805774 +Hayt, Hayt & Landau, LLC, Two Industrial Way West, Eatontown, NJ 07724-2279
 14805775 Memorial Medical Center, P.O. Box 603396, Charlotte, NC 28260-3396
 14805776 +Midland Funding, LLC, 123 S. Broad Street, Suite 1660, Philadelphia, PA 19109-1003
 14805777 +Nationstar/mr. Cooper, 350 Highland Dr, Lewisville, TX 75067-4177
 14823354 +PHEAA, PO Box 8147, Harrisburg, PA 17105-8147
 14831170 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Avenue, Pittsburgh, PA 15233-1828
 14805789 +The Bureaus, 650 Dundee Road, Suite 370, Northbrook, IL 60062-2757
 14805790 +United Collection Bureau, Inc., P.O. Box 140310, Toledo, OH 43614-0310

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14820047 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 25 2018 01:50:50
 Bureaus Investment Group Portfolio No 15 LLC, c/o PRA Receivables Management, LLC,
 PO Box 41021, Norfolk VA 23541-1021
 14805759 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com May 25 2018 01:49:45 Capital One,
 Po Box 30281, Salt Lake City, UT 84130-0281
 14805760 +E-mail/Text: bankruptcy@caavps.com May 25 2018 01:43:27 Cavalry Portfolio,
 500 Summit Lake Drive, Suite 400, Valhalla, NY 10595-2322
 14825640 +E-mail/Text: bankruptcy@caavps.com May 25 2018 01:43:27 Cavalry SPV I, LLC,
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-1340
 14805774 +E-mail/Text: bknotificationdistribution@jhcapiatgroup.com May 25 2018 01:44:03
 Jh Portfolio Debt Equi, 5757 Phantom Dr Ste 225, Hazelwood, MO 63042-2429
 14805777 +E-mail/Text: bankruptcydpt@mcmcg.com May 25 2018 01:43:09 Midland Funding,
 2365 Northside Dr Ste 30, San Diego, CA 92108-2709
 14805776 +E-mail/Text: bankruptcydpt@mcmcg.com May 25 2018 01:43:09 Midland Funding,
 2365 Northside Dr #300, San Diego, CA 92108-2709
 14820028 +E-mail/Text: bankruptcydpt@mcmcg.com May 25 2018 01:43:09 Midland Funding LLC,
 PO Box 2011, Warren, MI 48090-2011
 14805781 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 25 2018 01:49:45
 Portfolio Recovery Associates, LLC, P.O. Box 12914, Norfolk, VA 23541
 14806393 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 25 2018 01:49:45
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14805780 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 25 2018 01:50:49
 Portfolio Recov Assoc, 120 Corporate Blvd Ste 100, Norfolk, VA 23502-4952
 14831095 E-mail/Text: bnc-quantum@quantum3group.com May 25 2018 01:42:52
 Quantum3 Group LLC as agent for, MOMA Trust LLC, PO Box 788, Kirkland, WA 98083-0788
 14805782 +E-mail/Text: Supportservices@receivablesperformance.com May 25 2018 01:43:53
 Receivables Performance Management, P.O. Box 1548, Lynnwood, WA 98046-1548
 14805783 +E-mail/PDF: gecsedirecoverycorp.com May 25 2018 01:49:40 Synch/ashley Furniture,
 C/o Po Box 965036, Orlando, FL 32896-0001
 14805784 +E-mail/PDF: gecsedirecoverycorp.com May 25 2018 01:50:44 Synch/gap, Po Box 965005,
 Orlando, FL 32896-5005
 14805785 E-mail/PDF: gecsedirecoverycorp.com May 25 2018 01:49:40 Synchrony Bank, P.O. Box 960061,
 Orlando, FL 32896-0061
 14805787 +E-mail/PDF: gecsedirecoverycorp.com May 25 2018 01:49:40 Synchrony Bank/Amazon,
 P.O. Box 960013, Orlando, FL 32896-0013
 14805788 +E-mail/PDF: gecsedirecoverycorp.com May 25 2018 01:50:11 Synchrony Bank/JC Penny,
 P.O. Box 965064, Orlando, FL 32896-5064
 14805791 +E-mail/Text: wfmelectronicbankruptcyntifications@verizonwireless.com May 25 2018 01:42:32
 Verizon Wireless, Po Box 650051, Dallas, TX 75265-0051

TOTAL: 19

District/off: 0315-7

User: jhel
Form ID: 149

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Total Noticed: 45

Date Rcvd: May 24, 2018

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Nationstar Mortgage LLC d/b/a Mr. Cooper
14812099 Conemaugh memorial hospital
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
cr* +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
Pittsburgh, PA 15233-1828
14852248* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
(address filed with court: Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541)
14805786* +Synchrony Bank, P.O. Box 960061, Orlando, FL 32896-0061
TOTALS: 2, * 4, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 26, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 24, 2018 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper
bkgroup@kmlawgroup.com
Kenneth P. Seitz on behalf of Joint Debtor Claudine Faight thedebterasers@aol.com
Kenneth P. Seitz on behalf of Debtor William P Faight thedebterasers@aol.com
Office of the United States Trustee ustregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
srk@sjwpgh.com; PNGbankruptcy@peoples-gas.com

TOTAL: 6